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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 AL-PENYO BROOKS,

14 Defendant.

CASE NO. CR20-0193JLR

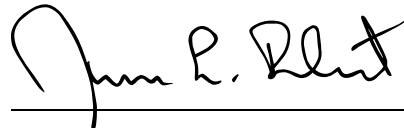
ORDER

15 Before the court is Defendant Al-Penyo Brooks's motion to dismiss. (Mot. (Dkt.
16 # 29).) Mr. Brooks is represented by counsel. (*See* Dkt.) As such, Mr. Brooks may not
17 file a *pro se* motion unless he complies with the requirements of Local Civil Rule
18 83.2(b)(5). *See* Local Rules W.D. Wash. LCrR 1(a) (adopting Local Civil Rule 83.2(b)
19 for criminal proceedings); Local Rules W.D. Wash. LCR 83.2(b)(5) (requiring a
20 represented party that seeks to appear or act *pro se* to "request[] by motion to proceed on
21 his or her own behalf, certif[y] in the motion that he or she has provided copies of the
22 motion to his or her current counsel and to the opposing party, and [receive from the

1 court] an order of substitution by the court terminating the party's attorney"); *see also*
2 *United States v. Halbert*, 640 F.2d 1000, 1009 (9th Cir. 1981) ("A criminal defendant
3 does not have an absolute right to both self-representation and the assistance of
4 counsel. . . . Whether to allow hybrid representation remains within the sound discretion
5 of the trial judge."); *United States v. Durden*, 673 F. Supp. 308, 309 (N.D. Ind. 1987)
6 (citing *Halbert*, 640 F.2d at 1009) (exercising the discretion to decline to consider a
7 represented criminal defendant's *pro se* motion). The court directs Mr. Brooks to contact
8 his counsel to discuss his current situation and the relief he requests.

9 Because Mr. Brooks improperly filed his motion *pro se*, the court STRIKES the
10 motion to dismiss (Dkt. # 29) from the docket.

11 Dated this 18th day of February, 2021.

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14 The Honorable James L. Robart
15 U.S. District Court Judge
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